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Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting Minutes – May 12, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Director (TH)

Members Not Present:

- Carol Steinberg, Member (CS)

- Meeting began at 9:30 a.m.

1) Discussion: Roll Call

WW - Call to order all but Carol Steinberg

2) Discussion: Vercoe Building, 48 Eastman St., Easton (V10-174)

TH - EXHIBIT - May 7, 2014 submittal from Anton Perhovitski, Assisted Nursing Group second floor tenant

DM - accept the affidavit, and record with local registry of deeds, book and page to the building department

AB - second – carries unanimously

3) Discussion: Littleton Pub, 486 King St., Littleton (V13-324)

TH - EXHIBIT - Attorney for Owner, Brian Burke, submitted April 30, 2014 email
- seeking time to July 1, 2014 for the grinding of the ramp slope

DM - accept as proposed, comply by July 1, 2014

RG - second -carries

4) Discussion: Dormitory at 40 Chase St., Newton (V13-197)

TH - EXHIBIT - email from Slotnick on May 6, 2014
- seeking more time for the installation of the lift
- seeking to use code lock for entrance to the lift
- seeking additional 30 days for the installation of the lift

DM - grant the use of the touchpad locking system on the condition that intercom installed

JD - second – carries unanimously

JD - grant extension of 30 days from receipt of decision

DM - second – carries unanimously

5) Incoming Discussion: Convenience Store, 64-66 Central St., Milford (V14-086)

TH - EXHIBIT - AAB-1.1F, submitted by owners architect Frederick Gavrielon May 5, 2014
- seeking to accept that plan

DM - grant for use of new plan, on the condition that the proposed ramp is completed prior to issuance of any Certificate of Occupancy

JD - second - carries

6) Discussion: River Street Bridge, Boston/Cambridge (V13-288)

TH - EXHIBIT - follow-up submittal from hearing on this matter (February 24, 2014)
- package received on April 14, 2014, submitted by Hardesty and Hanover
- includes plans of proposed sidewalk and curb cut slopes

DM - grant as proposed

AB - second – carries unanimously

7) Incoming Discussion: Children's Educational Camp, 1776 Massachusetts Avenue, Lexington (V14-059)

TH - changed the use of office space to an educational camp at the second floor
- no access provided, already operating
- EXHIBIT – submittal on May 8, 2014 by Colin Smith Architecture
- proposing an incline wheelchair lift
- want to use a lift with a platform dimension of 31.5" by 35.6"
- change in use triggers the access

AB - accept as proposed

DM - second, add for this use only and policy about accommodating adults at the first floor that cannot utilize the smaller lift

AB - accept
- carries unanimously

8) Incoming Discussion: Allele Building, 148-152 Dorchester Avenue, South Boston (V13-297)

TH - EXHIBIT - Time request received from Ed Noones on May 2, 2014
- seeking to October 1, 2014

DM - grant as proposed
RG - second – carries unanimously

9) Incoming Discussion: Sharon Commuter Rail Station, 1 Upland Rd., Sharon (C11-051)

TH - EXHIBIT - issued order for compliance May 1, 2014
- Laura Brelsford of MBTA email on April 23, 2014 seeking time until August 11, 2014

AB - grant as proposed to August 11, 2014
DM - second, add that no further extensions beyond August 11, 2014, and if not completed by August 11, 2014, a fine hearing will be scheduled
AB - accept
- carries with JD abstaining

10) Incoming Discussion: Bourgeois & Leitch Hall, 71 & 111 Pawtucket St., Lowell (V13-158)

TH - EXHIBIT - submittal on April 25, 2014 from Michael DeMassio of Arup Designs
- seeking relief from having to make one of the resident manager apartments comply with the Group 2B requirements
- both buildings have a resident manager apartment, one is accessible, and the one in Leitch Hall is proposed to be just a standard unit

AB - no variance needed, based on the statement that the unit is for paid employees only, and on the condition that an affidavit be submitted to the Board and the building department
DM - second – carries unanimously

11) Incoming: Taco Truck, 83 Mt. Auburn St., Cambridge (V14-109)

TH - EXHIBIT - variance application and supplemental information
- tenant fit-out within existing building
- trigger the requirement for entrance and bathroom
- 4'6" by 5', required 5' by 5' for entrance landing
- also proposing to install only one handrail at the entrance ramp, previously proposed to not provide any handrails at the ramp
- 3 page letter submitted by the Commission on Disability objecting to the variance, stating that they don't meet the requirement for "impracticability"

DM - grant the variance for the entrance landing dimension, on the condition that an automatic door opener installed
AB - second – carries as proposed

DM - grant the variance for the lack of handrails at both sides of the ramp, on the condition that a compliant handrail is provided at one side as proposed
DM - why only one?

TH - artwork at the other wall

DM - rescinding the motion

DM - deny the variance requested for the handrails, require two compliant handrails at ramp

RG - second – carries unanimously

12) Incoming: New England Shirdi Sai Parivaar, 993 Boston Road, Groton (V14-100)

TH - EXHIBIT - variance application and all supplemental information

- seeking a variance for lack of access to the main entrance

- accessible entrance under the stairs, which you can drive to and accesses the elevator lobby

- variance also for the interior lobby stairs

DM - grant the variance for the front steps, based on excessive cost without substantial benefit to persons with disabilities, and based on the proposed accessible entrance

JD - second, and provide directional signage as well – carries unanimously

JD - grant as proposed for the change in level from the lobby to the interior

AB - second – carries unanimously

JD - grant the variance for the lack of access at one of the two stairs, on the condition that vertical wheelchair lift at one set of the stairs

AB - second – carries

13) Incoming: Atomic Café, 52-56 State St., Newburyport (V14-103)

TH - EXHIBIT - variance application and supplemental information

- first floor and basement (storage and employees only)

- over 30%

- spoke to architect of record on the project, but no longer involved in the case

- the tenant space is open with a “provisional occupancy”

- work is done already

- EXHIBIT – submittal on May 9, 2014 by architect showing accessible toilet room at the first floor, but no access

DM - deny variance requested

AB - second – carries unanimously

DM - if a hearing is requested, then the building inspector is required to appear

JD - second – carries unanimously

14) Incoming: Shrewsbury Public Library, 609 Main St., Shrewsbury (V14-101)

TH - EXHIBIT - variance application and supplemental information

- reconstruction and addition to existing building

- saving historic front entrance

- spending over 30%

- seeking variance for the lack of access at the front entrance of the building, proposing alternate accessible entrance

- commission on disability supports all 6 variances requested

DM - grant the lack of access to the historic front entrance, based on the proposed 3 other accessible entrances, based on excessive cost without substantial benefit to persons with disabilities

AB - second –carries unanimously

DM - grant the historic stair handrails, on the condition that compliant wall side handrail provided

JD - second –carries unanimously

DM - grant the variance for the nosings, on the condition that the carpet is maintained as proposed

JD - second –carries unanimously

TH - seeking variances for the door hardware, distance between vestibule doors and threshold

DM - grant door hardware on the condition that the thumb latch is disengaged when the building is open

JD - second- carries unanimously

DM - grant the distance between the vestibule doors

JD - second – carries unanimously

TH - no information on threshold dimensions

DM - continue for more information regarding the dimensions of the existing door threshold in question, want to know what it is made of and how high it is

JD - second – carries unanimously

TH - variance for one route from the parking lot

- because of change in level, would need large ramp to create compliant slopes

DM - continue for more information on proposed walkway slope

AB - second – carries unanimously

15) Discussion: WRTA, 60 Foster Street, Worcester (C14-009)

TH - stairs were built without handrails

- proposing to fix the work

DM - compliant handrails by July 1, 2014

JD - second – carries unanimously

16) Discussion: WRTA, 60 Foster Street, Worcester (C14-009)

JD - need to withdraw second

RG - seconds previously made motion

- carries with JD abstaining

17) Incoming: First Parish Unitarian Universalist Church, 620 Massachusetts Avenue, Arlington (V14-111)

TH - EXHIBIT - variance application and incoming

- seeking multiple variances, which are all involved

DM - hearing

JD - second – carries unanimously

Brief Break

18) Incoming: Three-Floor Rooming House, 39-41 Irving St., Worcester (V14-106)

TH - EXHIBIT - variance application and supplemental information
- seeking multiple variances for building where a fire occurred in 2012
- been working on the building since then
- Center for Living and Working opposes the variance applications

DM - deny

AB - second – carries unanimously

DM - no occupancy given until the issues before the Board are resolved

AB - second – carries unanimously

19) Incoming: East Templeton Elementary School, 160 Patriots Road, East Templeton (V14-099)

TH - EXHIBIT - variance application and all supplemental information
- seeking variance for no access upgrades

DM - deny

AB - second – carries unanimously

20) Incoming: Jimmy D's Ice Cream and Sandwich Shop, 413 Main St., Sturbridge (V14-114)

TH - EXHIBIT - variance application and supplemental information
- spending over 30%
- seeking relief for the lack of vertical access at the second floor
- proposed accessible toilet room at the first floor
- relief sought for existing second floor toilet room

DM - grant the variance for the lack of vertical access to the second floor, on the condition used for overflow only

AB - second – carries unanimously

DM - grant the variance for the lack of compliant toilet room at the second floor

AB - second- carries

AB - grant the variance for the size of the first floor toilet room, allow 87" by 88"

DM - second – carries

DM - service counter must comply with 7.2.2

AB - second- carries unanimously

DM - new plan for accessible parking plan

RG - second – carries

DM - parking plan by June 2, 2014

RG - second –carries unanimously

21) Incoming Discussion: One-on-One Self Indulgence Spa, 457 Great Road, Acton (V14-080)

TH - hearing scheduled because of work without permits for July 14, 2014

- EXHIBIT - letter from the owner, seeking issuance of permits for the finishing of the work and occupancy of the first floor spa area, dated May 7, 2014, from Cindy McCullough

- seeking permits to finish the first floor and get CO for the first floor

DM - allow the issuance of permits and temporary Certificate of Occupancy for the first floor only

JD - second – carries unanimously

22) Incoming: Old Gaol (Jail), 15R Vestal St., Nantucket (V14-117)

TH - EXHIBIT - variance application and supplemental information

- emergency project, spending \$109,000, over 30%

- building will undergo complete restoration, and propose visitors interpreter shed next to the building, manned by full time staff to give out information about the building; with photos and informational panels

DM - grant lack of access, on the condition that very detailed information is provided at the proposed accessible shed

RG - second –carries unanimously

DM - plan for accessible route and plans for the accessible shed, submitted to the Board by June 2, 2014

AB - second – carries unanimously

23) Hearing: Essex Hall, 330 Hale Street, Beverly (V13-047)

WW - call to order at 11:00 a.m.

- introduce the Board

Paul Fermano, Fermano & Associates Architects (PF)

Dennis Monaco, Endicott College Director of Facilities (DM)

- WW - both sworn in
- EXHIBIT 1 – AAB1-46
- PF - temporary permit of occupancy, pending the decision of the Board
- 2 ½ story wood-frame house
- house was built up against utility lines, with the porch built up to the water and sewer lines
- back of the building is near a cliff
- rear access into the building at the rear
- existing garage converted
- first floor is accessible with two accessible bedrooms, with one of the bedrooms complying in full and the other bathroom for someone with crutches
- seeking variance for the lack of access to the second floor, based on excessive cost without substantial benefit to persons with disabilities, and the technological infeasibility
- AB - what is at the second floor?
PF - bedrooms and bathrooms
- first floor is laundry, kitchen, living room and family room
- PF - propose an incline wheelchair lift to get from the converted garage area bedrooms to the first floor common use spaces
- DM - what is the platform size proposed?
- three shown on AAB 33
- PF - 31 ½” by 39 3/8”
- JD - level threshold out to the porch?
PF - yes
- DM - minimum dimensions required are 30” by 48”
PF - then must be 31.5” by 49 ¼”
- DM - grant the use of the incline lift to the first floor, on the condition that the platform is 31.5” by 49 ¼” and installed prior to the occupancy of the building in August, verification of completion prior to occupancy by the team*
- JD - second- carries unanimously*
- PF - exterior ramp at the rear has 46” instead of required 48”
- DM - grant variance for ramp handrail width*
- AB - second –carries unanimously*
- DM - grant on the lack of accessible routes to the second floor sleeping units, on the condition that all common use (i.e. meetings, gatherings), take place at the first floor*

RG - second – carries unanimously

JD - grant the variance for distribution requirement

DM - second – carries unanimously

24) Discussion: Hancock Shaker Village Trustees Office, 1843 West Housatounic St., Pittsfield (V11-161)

TH - EXHIBIT – letter from Julian Gordon, May 2, 2014

- temporary ramp proposed to be installed on permanent basis

- the Board, at the last meeting voted to deny the use of the AmRamp, and require permanent ramp be completed

- AmRamp received a letter from Hancock Shaker Village that they were going to remove the AmRamp and close the building until ramp is completed

DM - reaffirm previous decision of the Board

AB - second- carries with JD abstaining

25) Incoming: Respite Home, 747 Cambridge Street, Brighton (V14-110)

TH - EXHIBIT – variance application and supplemental information

- first floor will be totally accessible, with three accessible beds at that level

- proposing to replace exterior lift with a ramped entry

- seeking variance for lack of access to second and third floors, and lack of accessible bathrooms at the second and third floors

DM - what about visiting space?

TH - common areas at the first floor

DM - grant as proposed

AB - second – carries unanimously

26) Incoming: St. Ann's School, 60 Prospect St., Gloucester (V14-113)

TH - EXHIBIT – variance application and supplemental information

- seeking temporary tenant occupancy for a two-year period as swing space during construction

- building is not accessible, seeking variance to use vertical wheelchair lift to serve 2 of the 3 levels of the building

DM - grant on the condition that an accommodation is in place for the inaccessible floor, and that all common use areas (e.g. library, café, etc.) is located on one of the two accessible floors

JD - second – carries unanimously

TH - variance for 30.2, regarding the location of the unisex toilet room

- proposing it at the ground floor

DM - grant on the condition that there is directional signage at the other inaccessible toilet rooms
AB - second – carries unanimously

27) Discussion: Provincetown Sidewalks, Commercial Street Sidewalks, Provincetown (V13-228, 229, 230, 231, 232, 233, & 234)

TH - submittal of more information regarding signage along the route and policy
- EXHIBIT - April 23, 2014 submittal by William Hall, Jr., Principal Engineer

AB - accept the maintenance policy as submitted
DM - second - carries with JD abstaining

DM - accept the submitted signage documentation
AB - second – carries with JD abstaining

28) Incoming: North Hill Nursing Facility, 865 Central Avenue, Needham (V14-107)

TH - EXHIBIT – variance application and supplemental information
- new construction of 72 bed skilled nursing facility
- seeking variances for two items: the height of thermostat controls in room (will be controlled by staff)

DM - grant as proposed
JD - second - carries unanimously

TH - also seeking variance for the controls for the tub and shower being located on the outside walls

DM - grant as proposed
JD - second – carries unanimously

29) Discussion: Whitman Park, Park Avenue, Whitman (C14-000)

TH - EXHIBIT - received a submittal from Francis Lyman, Town Administrator, submitted on April 29, 2014
- EXHIBIT - on May 7, 2014, a response from the Complainant regarding the submittal from the Town

DM - move to the June 2, 2014
RG - second – carries with JD abstaining

30) Incoming: RadioShack Store, 13 School St., Boston (V14-115)

TH - EXHIBIT - variance application and supplemental information
- renovation of tenant space
- seeking variance for the lack of level landing at the entrance door, slope is 5%,
- also seeking relief for the lack of 18” latch pull side

DM - grant as proposed, on the condition that they install an automatic door opener
AB - second – carries unanimously

31) Incoming: Emmanuel Baptist Church, 45 Central St., Ipswich (V14-098)

- TH - EXHIBIT - variance application and all supplemental information
- chair lift to ride the stairs between floors, which does not comply with AAB regulations
- spent \$14,000 and no permits applied for
- at the annual inspection, chair lift discovered
- seeking a 5 year time variance
- first contact with the Petitioners was in March of 2013, but variance only just recently submitted
- once the lift is installed, want to remove the ramp that was also built to the upper level

DM - grant a time variance until June 1, 2017 to have the proposed vertical wheelchair lift installed, inspected, and operational

RG - second- carries unanimously

- TH - need to make the Elevator Board aware of these noncompliant installations

DM - need to notify the Elevator Board of the issue of the installation of noncompliant chair lifts

JD - second – carries unanimously

Break for lunch

32) Incoming: Chinese Mirch Restaurant, 251 Massachusetts Avenue, Boston (V14-104)

- TH - EXHIBIT - variance application and supplemental information
- over 30% of the value of the space
- seeking two variances
- men's and women's rooms, seeking relief for the dimensions of the men's room, proposing an overall dimension which is 9.5" shy on one dimension and 2.5" on the other

AB - grant as proposed for men's room

DM - second – carries unanimously

- TH - two seating areas that have a curved bench, one is raised 6 inches, the other is flush with the floor

DM - grant as proposed for raised bench

AB - second – carries unanimously

- TH - adjustable table heights proposed

DM - grant the use of adjustable, on the condition that the different heights of seats are readily available if the tables are lowered

AB - second – carries unanimously

33) Discussion: Garman Hall, 62 Boltwood Avenue, Amherst (V13-221)

TH - EXHIBIT - Thomas Hartman, May 5, 2014 request to amend the existing case
- seeking an amendment to key operation
- two swipe devices that work on the lift; one to get into the building, and then one to use it at the lower level; nothing required from upper level
- seeking to maintain double-lock swipe-card access

JD - why the interior lock on the lift as well

DM - grant on the condition that intercom system at the lift

AB - second – carries with JD opposed

34) Discussion: Sinclair, 50-52 Church Street, Cambridge (V12-055)

TH - EXHIBIT - letter from Michael Muehe, April 30, 2014
- have not heard from the owner

JD - move to June 2, 2014

DM - second – carries unanimously

35) Discussion: Nahant Life Saving Station, Short Beach, Nahant (V13-298)

TH - EXHIBIT - submittal of follow-up lease language from Patrick Guthrie via email on May 5, 2014

DM - accept submittal of language, on the condition that the second floor tenant space cannot be retail or any personal service use that cannot be accommodated at the first floor

JD - second – carries unanimously

36) Incoming: Ezra Baker Elementary School, 810 Route 28, West Dennis (V14-112)

TH - EXHIBIT - variance application and supplemental information
- seeking variance for having to make the stair main entrance accessible due to the replacement of the front entrance stairs
- accessible entrance is directly adjacent

DM - grant the variance for the lack of access at the front, on the condition that the stairs comply in full with 521 CMR

JD - second – carries unanimously

37) Discussion: Summit House, Skinner State Park, Hadley (V11-081)

TH - EXHIBIT - amendment for door hardware, submitted Steve McAlister on May 1, 2014
- second means of egress, used by employees only, equipped with historic door hardware

DM - grant as proposed

RG - second – carries

38) Incoming: 15 Multifamily Units, 11 Newcomb St., Boston (V14-108)

TH - EXHIBIT - variance application and supplemental information
- multiple requests

DM - hearing

JD - second – carries unanimously

39) Incoming: Sidewalk at 367 Beacon Street, Boston (V14-102)

TH - EXHIBIT - variance application and all supplemental information
- variance for slopes and cross slopes
- no letter from the City of Boston allowing them to work on the sidewalk
- May 9, 2014 email from Jessica Swenson, stating that they are removing a panel that falls within the acceptable slopes and no variance is needed
- TH wrote back stating need to know the proposed slopes, not the existing; and still no letter from the City

AB - require the Petitioners to submit the proposed slopes for the completed area of the sidewalk and/or a letter from the City of Boston concurring that no variance will be required for this section of sidewalk

RG - second – carries unanimously

40) Incoming: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105)

TH - EXHIBIT - variance application and supplemental information
- spending almost \$3 million, over 30%
- variance application lists 3.3.1 and 3.3.2 for sections of 521 CMR seeking variances for
- cannot seek variances for jurisdiction
- e-mail from Roger Brooks, at 9:15 a.m. today, stating that they still need to review specific variance requests

DM - continue discussion to June 2, 2014 to review clarification of specific variances requested, no permits for the work until the matter is adjudicated before the Board

AB - second – carries unanimously

41) Discussion: Meeting Minutes and Decisions from April 28, 2014

KS - some modifications made to clarify decisions, also need to vote on ramp items for arrowhead museum

DM - reopen arrowhead museum

RG - second – carries unanimously

KS - threshold slope and ramp handrails at threshold

DM - grant as proposed

JD - second – carries unanimously

KS - all other minutes and decisions

DM - grant as proposed

JD - second – carries unanimously

42) Hearing: Medical Arts Building, 85 Lincoln Street, Framingham (C11-042)

WW - called to order at 1:42 p.m., scheduled for 1:00 p.m.
- no one present

TH - no return receipt received, have not heard anything from them

DM - have TH follow-up on the lack of appearance at the hearing, and reschedule if need be
AB - second – carries unanimously

43) Incoming: WB Mason Building, 59 Center St., Brockton (V14-091)

TH - EXHIBIT - variance application and supplemental information
- First variance for Exit Stair #2, 20.11.2b, landing at the exterior side that is accessible

DM - grant as proposed based on tech. infeasibility
JD - second – carries with AB abstaining

TH - 20.11.2b, Exterior Stair #3
- not required since stair to the exit discharge

DM - no variance required
JD - second – carries with AB abstaining

TH - 27.4.1, handrail locations for Stair #2, 3, and 4
- letter from Mass. Historic in supports of the variances requested
- seeking multiple variances for handrails and also for the stair tread and riser uniform dimension for winder stairs

DM - can they provide one wall-side handrail?

TH - will present more information later on in the day, need to review the case a bit more

44) Hearing: Greater Plymouth Center for the Arts, 25 ½ Court Street, Plymouth (V14-042)

WW - called to order at 2 p.m.
- introduce the Board

Jeffrey Metcalfe, Architect (JM)

Robert Hollis, President of Greater Plymouth Performing Arts Center (RH)

WW - both sworn in
- EXHIBIT 1, AAB 1- 42

JM - building is owned by the Town, but in a 99 year lease with the Greater Plymouth Performing Arts Center
- first variance for the accessible route location (and entrance), lack of access at the historic front entrance to the building
- AAB32, 33 and 34 show the front entrance of the building
- accessible entrance proposed to be just north of the primary entrance at the sidewalk on Court Street

RH - building is about 40 feet wide

- picture of the ramp being constructed

WW - picture of the ramp construction, EXHIBIT 2

AB - any other entrances?

RH - at the basement as well, which are already accessible

DM - grant the variance for the lack of access to the existing main entrance, on the condition that the ramp is constructed as continued (521 CMR 20.2/25.1)

JD - second- carries unanimously

JM - second variance deals with the lack of access between floors, propose to install a LULA

- will cost approximately \$100,000

- submitted a catalog cut of the LULA interested in using, and AAB 7, 8 and 9 for the planned installation

RH - seeking 3 years, but hope to have the work done prior to that

- also exploring historical tax credits for the building

JD - LULA platform will comply?

RH - yes

DM - will access all three floors?

RH - yes

JD - grant the time variance to June 1, 2017, installed, inspected and operational by said date; status report starting January 1, 2015 and every 6 months thereafter

DM - second- carries unanimously

JM - seating and stage access, 30" difference in level

- requesting the use of a portable lift for creating access to the stage

RH - a fixed floor lift would require columns for support of a permanently installed lift

- would like to be able to move the lift from one side of the stage to the other

- will always be set up, just want the flexibility to move the lift from either side of the stage

RG - accessible seating locations?

RH - there is space at the exterior of the pews, at the back, and in between the front

- the pews are fixed, but other seating is removable

JD - grant the use of the portable lift, on the condition that it meets the dimensional requirements, and that it is always adjacent to the stage readily available to use, submit a copy of the proposed portable lift dimensions and specs, by June 2, 2014; readily available by September 1, 2014

DM - second – carries unanimously

WW - wheelchair seating issue

JD - although not in front of us, the proposed additional seating for wheelchairs is not compliant

- seating needs to be integral and shoulder-to-shoulder for wheelchair accessible seating

- seating also needs to be dispersed

RH - 200 capacity in pews

JD - so will need the number and to be dispersed throughout the venue

JD - require the submittal of a compliant seating by May 27, 2014, showing the accessible seating locations, and path of travel throughout the space

DM - second – carries unanimously

JD - expedite the decision

DM - second – carries unanimously

JD - amend decision regarding the portable lift spec submittal from June 2nd to May 27, 2014

DM - second – carries unanimously

45) Incoming: WB Mason Building, 59 Center St., Brockton (V14-091) – Cont'd

DM – reopen WB Mason

JD - carries with AB abstaining

TH - still need more clarification on this case, to meet with Petitioner

DM - have TH meet with applicants and postpone further discussion to June 2, 2014

JD - second – carries with AB abstaining

DM left for the day, loss of quorum

46) Hearing: Blackington Building, 572 Main Street, Sturbridge (V14-007)

WW - called to order at 3 p.m.

- introduce the Board

WW - state the fact that there was an unexpected loss of quorum, can proceed with the hearing with the Board of four, and will have at least one other Board Member review the matter and a decision will be rendered and expedited

CA - not opposed to going forward with the matter as proposed

Calvin Annino, Attorney for Blackington Building (CA)

Kevin Rothschild-Shea, Architect (KRS)

Kevin MacConnell, Owner (KM)

WW - all parties sworn in (with exception of CA)

- EXHIBIT 1 – AAB1-72

CA - always intended to make the building accessible, just a question of timing

- costs associated with the building of ramp was questioned, and modified in AAB 8 and 9

- need to move a sidewalk, which abuts the building, to create the ramp

- this is required because the ramp will block a large portion of the sidewalk, but if the sidewalk is bumped out, the ramp can be built without blocking the sidewalk

- owner did not realize that the sprinkler system work triggered full compliance with the access requirements, but now proceeding with the work to bring the building into compliance

KRS - proposed parking to support the building across the street
- overall site plan, Jalbert Engineering, plan dated 12/3/13 drawing number 113246

WW - EXHIBIT 2, Jalbert Engineering plan 113246

KRS - building is assessed at \$108,500 (adjusted), total compliance cost estimates around \$334,000
- building consists of 6 different entrances at the front with three different elevations
- proposed plan for new curb cut and cross walk to cross the street to the proposed parking at the other side of the street
- proposing raised walkway to create access to three of the front entrances
- proposing to retain the existing stair at the existing front stair
- one portion of the building is currently 7" above the common hall, so need to cut into the floor to create access to the elevator
- have to chase the grade and widen the sidewalk to create access
- to do the required work piecemeal would result in more cost in the long run
- seeking time to create access to the first floor, and seeking additional time to submit a plan for access to create access to the second floor
- new electric service would be required for elevator, and also need to support infrastructure of the building, which is an additional cost to the building owner

JD - parking plan

CA - submit copy of parking plan without coloring

KS - a temporary hold for the color copy of the plan drawing

KM - history of the building
- when first looked at the building, a couple of tenants at the first floor, but was deteriorating
- paid \$265,000 for the building
- spoke with local entities after buying the building, about what would be required
- planning board wanted parking, fire department wanted fire suppression system
- thought that only had to put in sprinkler system and the parking, so applied for loan from the bank based on those needs
- contracted a sprinkler guy, mechanics lien put on the building and now the sprinkler system is finally done
- when went to engineer, was notified that needed access
- hired KRS to do a survey regarding access for the building
- completely underestimated complexity and scope of the required work
- need "a little bit of breathing room" to show a bank that the property is viable to get additional funds to do the access upgrades
- would like to get the building up and going, but just need the funds and time to do the work

WW - time variance?

KS - seeking 3 years for first floor and 5 years for the second floor

KRS - seeking 3 years for the first floor access requirements to be completed, 5 years to submit plan for access to the second floor

- WW - how many tenant spaces at the second floor?
KRS - two tenant spaces, one large and one smaller
- WW - no outright variances, just time to comply?
KRS - yes
- CA - need to raise the money, but need to have tenants in the space, to allow for an income on the building
- WW - 5 years is a long time to submit a plan
- renting the second floor in the interim?
- KM - need to have the whole building rented, and since need a loan, need to have the bank see that the building is viable
- large section of the second floor is 2400 square feet and the other tenant space is 1100 square feet
- TH - looked at anything other than an elevator? What about a LULA?
- much less cost proposal
- KM - would love to find a cheaper alternative, that may complete the work sooner than estimated
- KRS - seeking to come back to the Board in a designated amount of time, with the proposal for second floor access
- based on proposed tenants, may need full elevator instead of LULA
- greatest tenant option is at the first floor
- KM - don't have any current tenants in mind?
- WW - not a nightclub or restaurant proposed at second floor?
- KM - not proposed, but if a restaurant or second floor proposed, they could work that into the lease language and it would be favorable for the bank lending
- would love to be able to look at alternatives of vertical access
- have been asking about ramping around the building to create access to the upper levels
- TH - current lender is aware that they are involved with Access Board?
- would they be requiring level of code compliance for sign-off of funding
KM - no, but they know that I don't have tenants
- AB - how much time for plans for access to be submitted
- KRS - basic core life safety issue addressed
- KM - antique tenant is being charged \$8/square foot for the tenant space at the first floor, and still not paying that
- CA - need to just identify tenants for the bank lending
- JD - anyway to relocate the cross walk to cross the street closer to the ramp entrances
- KRS - issue of sight lines, and chasing grade

- 70' from walk to entrance ramp

TH - trigger for access

KM - sprinkler system

TH - current building inspector?

KM - have gone thru three building inspectors

KRS - the fire sprinkler was the majority of the work

- had not hit the triggers for major alterations to trigger the work for sprinkler system, but then triggered access requirements, even though not required

JD - continue the discussion to the next meeting on June 2, 2014 for finalized decision at that time

TH - cannot be a formal motion now due to the lack of a quorum, but the matter will be reviewed

administratively at the next meeting for a finalized motion from the Board, after the other members review the case

- End of Meeting -

EXHIBITS:

- Isaac Harris Cary Memorial Building, 1605 Massachusetts Avenue, Lexington (V13-238)
- Nahant Life Saving Station, Short Beach, Nahant (V13-298)
- Artis Senior Living, 1100 Main Street, Reading (V14-067)
- Garman House, 62 Boltwood Avenue, Amherst (V13-221) : May 5, 2014 letter from Thomas RC Hartman, AIA, with attached plans "Scheme D", dated July 26, 2013
- Allele Building, 148-152 Dorchester Avenue, South Boston (V13-297)
- 64-66 Central Street, Milford (V14-086)
- 1776 Massachusetts Avenue, Lexington (V14-059)
- Provincetown Sidewalks, Commercial Street (V13-228-234) : Submittal from William Hall, Jr. of GHD, Inc., including Town maintenance policy and photographs
- Littleton Pub, 486 King Street, Littleton (V13-324) : Attorney for Owner, Brian Burke, submitted April 30, 2014 email
- Sharon Commuter Rail Station, 1 Upland Road, Sharon (C11-051 & V12-225) : April 22, 2014 letter from Laura Brelsford, Acting Assistant General Manager for System-Wide Accessibility for the Massachusetts Department of Transportation
- 457 Great Road, Acton (V14-080)
- Bourgeois & Leitch Hall, 71 & 111 Pawtucket Street, Lowell (V13-158)
- River Street Bridge, River Street, Boston/Cambridge (V13-288)
- W.B. Mason, 59 Centre Street, Brockton (V14-091)
- Shaker Village Trustees Office, 1843 West Housatonic Street, Pittsfield (V11-161) : May 1, 2014 letter from Julian D. Gordon, President of AmRamp
- The Summit House, Joseph Skinner State Park, Hadley (V11-081) : May 1, 2014 e-mail from Steve McAlister of Clark & Green, Inc. Architects, including pictures of proposed door hardware
- Whitman Park, Park Avenue, Whitman (C13-000) : April 29, 2014 submittal from Francis Lynam, Town Administrator; May 6, 2014 letter from Catherine Johnson, Complainant

- The Sinclair, 50 Church Street, Cambridge (V12-055)
- 46 Eastman Street, Easton (V10-174)
- Immanuel Baptist Church, 45 Central Street, Ipswich (V14-098) : Variance application and all supplemental information attached
- East Templeton Elementary School, 160 Patriots Road, East Templeton (V14-099) : Variance application and all supplemental information attached
- New England Shirdi Sai Parivaar, 993 Boston Road, Groton (V14-100) : Variance application and all supplemental information attached
- Shrewsbury Public Library, 609 Main Street, Shrewsbury (V14-101) : Variance application and all supplemental information attached
- Sidewalk, 367 Beacon Street, Boston (V14-102) : Variance application and all supplemental information attached
- The Atomic Café, 52 and 56 State Street, Newburyport (V14-103) : Variance application and all supplemental information attached
- Chinese Mirch Restaurant, 251 Massachusetts Avenue, Boston (V14-104) : Variance application and all supplemental information attached
- Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105) : Variance application and all supplemental information attached
- 3-Floor Rooming House, 39-41 Irving Street, Worcester (V14-106) : Variance application and all supplemental information attached
- North Hill Nursing Facility, 865 Central Avenue, Needham (V14-107) : Variance application and all supplemental information attached
- Multifamily Dwelling Units, 1 Newcomb Street, Boston (V14-108) : Variance application and all supplemental information attached
- The Taco Truck (The Garage), 83 Mount Auburn Street, Cambridge (V14-109) : Variance application and all supplemental information attached
- Respite Home for 20 Residents, 747 Cambridge Street, Brighton (V14-110) : Variance application and all supplemental information attached
- First Parish Unitarian Universalist, 620 Massachusetts Avenue, Arlington (V14-111) : Variance application and all supplemental information attached
- Ezra Baker Elementary School, 810 Route 28, West Dennis (V14-112) : Variance application and all supplemental information attached
- Saint Ann School, 60 Prospect Street, Gloucester (V14-113) : Variance application and all supplemental information attached
- Jimmy “D’s” Ice Cream & Sandwich Shop, 413 Main Street, Sturbridge (V14-114) : Variance application and all supplemental information attached
- RadioShack, 13 School Street, Boston (V14-115) : Variance application and all supplemental information attached
- The Old Gaol (Jail), 15R Vestal Street, Nantucket (V14-117) : Variance application and all supplemental information attached